

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 2264—FY 1998 Labor, HHS, and Education Appropriations Act



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Floor Situation: The House is scheduled to complete consideration of H.R. 2264 as its only order of business today. Yesterday, the House continued considering amendments to the bill under an open rule. The rule waives all points of order against consideration of the bill, as well as House rules which prohibit unauthorized appropriations, legislative provisions in an appropriations bill, and reappropriations. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. The rule also waives House rules that prohibit non-emergency amendments from being offered to a bill containing an emergency designation under the Budget Act. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2264 appropriates \$80 billion in discretionary budget authority—\$5.3 billion more than last year and \$117 million less than the president's request—for the Departments of Labor, Health and Human Services (HHS), Education, and a wide range of related agencies. The discretionary amount is approximately equal to the subcommittee's 602(b) allocation. Including mandatory spending (the amount over which the Appropriations Committee does not have jurisdiction), the bill provides \$279 billion, \$8.1 billion less than last year and \$245 million less than the president's request. The bill provides no funding for approximately 20 programs which received FY 1997 appropriations, including Community Based Resource Centers, state student incentive grants, preventative health for the aging, Star Schools, urban community service, and various scholarships and fellowships offered by the Education Department.

CBO estimates that enactment will result in mandatory and discretionary outlays of \$188.6 billion in FY 1998, \$37.1 billion in FY 1999, \$9.8 billion in FY 2000, \$1.7 billion in FY 2001, \$82 million in

FY 2002 and beyond. The bill was submitted by Mr. Porter and was reported by the Appropriations Committee by voice vote.

Views: The Republican Leadership supports passage of the measure. The Clinton Administration opposes overall funding levels, which are lower than the president's request for Goals 2000, America Reads, Pell Grants, Safe and Drug-Free Schools, Education Reform, the president's new adoption initiative, and Youth Opportunity Areas. In addition, the president has threatened a veto if several proposed amendments are adopted, including (1) prohibiting funds for the president's national testing initiative, (2) prohibiting the use of federal funds for managed care contracts which cover abortions, (3) prohibiting the use of federal funds to support the Teamster election, and (4) prohibiting the Department of Education from withholding federal funds from a public educational institution that refuses or fails to enforce affirmative action plans relating to student admissions.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments (listed in alphabetical order) to H.R. 2264:

Mr. Coburn and **Mr. Ackerman** may offer an amendment (#36) to prohibit the use of funds to conduct "blind" HIV tests on newborns. "Blind" tests do not identify the individual from whom the samples were taken. Although "blind" tests have not been taken since 1995, the Center for Disease Control is considering re-implementing the program. Supporters argue that "blind" tests prevent the mother and the child from receiving early medical treatment that could prolong and improve their lives. *Staff Contact: Roland Foster (Coburn), x5-2701; John Berger (Ackerman), x 5-2601*

Mr. Gordon and **Ms. Roukema** may offer an amendment to prohibit educational institutions from awarding Pell Grants to students if the institution is ineligible to participate in federal student loan programs because of a high loan default rate. *Staff Contact: Louis Finkel (Gordon), x5-4231; Lisa Bleier (Roukema), x5-4465*

Mr. Hoekstra may offer an amendment to transfer \$2.75 billion from a total of 28 kindergarten through twelfth-grade education programs to Title VI state block grants (formerly Chapter 2). The majority of funding is transferred from Goals 2000, School-to-Work, bilingual and migrant education, and Safe and Drug-Free Schools. Currently, Title VI distributes federal funds to states based primarily on student enrollment and partly on the number of students from low-income and rural communities. States have the discretion to distribute Title VI funds to local education agencies for a variety of programs, including additional funding for existing federal programs, technology in the classroom, or teacher training. *Staff Contact: Todd Sutton, x5-4401*

Mr. Nadler may offer an amendment (#7) to prohibit any Medicaid funds from being paid to a health insurance provider that limits the type of conversations a physician can have with a patient regarding advice on possible medical treatments. In effect, the amendment establishes an "anti-gag rule" to guarantee physicians the right to advise their patients on available health care options, regardless of whether those options are covered by the patient's insurance plan. Supporters argue that physicians should not be hindered from providing the best advice available because of a health contract. Opponents argue that the amendment will unduly increase insurance costs and lead to unnecessary medical tests and procedures. *Staff Contact: Joshua Greene, x5-5635*

Mr. Nadler may offer an amendment (#8) to prohibit federal funds from being paid to health insurance providers that offer bonuses or impose penalties on doctors in relation to the number of ser-

vices or tests which are prescribed by the doctor. Supporters argue that physicians should not be hindered from providing the best services available because of a health contract. Opponents argue that the amendment will result in increased insurance costs and that tighter controls over physician procedures are needed before such a measure can be enacted. **Staff Contact: Joshua Greene, x5-5635**

Mr. Nadler may offer an amendment (#9) to prohibit the use of Medicaid funds for payments to a health insurance provider unless insurance coverage is provided for items that the treating physician, in consultation with the patient, determines are medically necessary for the patient, and the patient's health care provider pays for the services in a manner that is consistent with the patient's health care plan. **Staff Contact: Joshua Greene, x5-5635**

Mr. Riggs may offer an amendment (#14) to prohibit the Education Department from imposing sanctions on states that elect not to provide special education, under the Individuals with Disabilities Education Act, to incarcerated individuals aged 18 to 21 years. Supporters say states should not be required to spend limited federal and state funds on convicted felons. Opponents believe that a key component to rehabilitating prisoners is to provide them with a solid education. **Staff Contact: Trent Barton, x5-3311**

Mr. Riggs may offer an amendment (#31) to prohibit the Department of Education from withholding federal funds from a public educational institution that refuses or fails to enforce affirmative action plans relating to student admissions. The amendment intends to apply to states (e.g., California) where enforcing affirmative action plans is prohibited by state law or court-order. **Staff Contact: Mark Davis, x5-3311**

Mr. Stearns may offer an amendment to prohibit the use of federal funds to promote the use of condoms by minors. The Center for Disease Control and Prevention currently uses federal funds to support public school programs that educate minors on the use of condoms. **Staff Contact: Veronica Crowe, x5-5744**

Additional Information: See *Legislative Digest*, Vol. XXV, #23, August 29, 1997.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

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Amendment

Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

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Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

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